GOVERNMENT OF MAHARASHTRA

Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 400 032

No: DMU/2020/CR. 92/DisM-1, Dated: 29th June 2020

ORDER

Easing of Restrictions and Phase-wise opening of Lockdown. (MISSION BEGIN AGAIN)

Reference:

1) The Epidemic Diseases Act, 1897
2) The Disaster Management Act, 2005
3) Revenue and Forest, Disaster Management, Relief and Rehabilitation Department Order No. DMU-2020/C.R.92/DMU-1, dated 31st May 2020 and 4th June 2020.
4) Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) Dated 1st May 2020, 11th May 2020, 17th May 2020, 20th May 2020 and 30th May 2020

Whereas, in exercise of the powers, conferred under the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, State Executive Committee has issued an Order dated 31st May, 2020 to extend the lockdown measures up to 30th June, 2020 and issued revised consolidated guidelines from time to time vide above mentioned orders to contain the spread of COVID-19.

Whereas the State Government is satisfied that the State of Maharashtra is threatened with the spread of Covid-19 Virus, and therefore to take certain emergency measures to prevent and contain the spread of the virus, the Government in exercise of the powers conferred under Section 2 of the Epidemic Diseases Act, 1897, read with all other enabling provisions of The Disaster Management Act, 2005, it is expedient to extend the lockdown in the entire State of Maharashtra further till midnight of 31st July 2020.

Now, therefore, in exercise of the powers conferred under section 2 of the Epidemic Diseases Act, 1897 and the powers, conferred under the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, hereby issues directions to extend the lockdown, with amendments ,to operationalize MISSION BEGIN AGAIN for easing of restrictions and phase-wise opening, till 31st July 2020 for containment of COVID-19 epidemic in the State and all Departments of Government of Maharashtra shall strictly implement the guidelines issued earlier form time to time.

It is directed that, considering the local conditions the concerned District Collector and the Commissioners of the Municipal Corporations in the State may enforce certain measures and necessary restrictions in specified local areas on the permitted non-essential activities and the movement of persons to contain the spread of the epidemic. It is further directed that the movement of persons for the purposes of non-essential activities like shopping and the outdoor exercises, shall be restricted within the neighbourhood area limits with all necessary prescribed mandatory precautions of wearing masks, social distancing and personal hygiene. It is also directed that the unrestricted movement will be permitted only for attending place of work which are open as mentioned in **Annexure II** and bonafide humanitarian requirement including medical reason.

It is further directed that the National Directives for Covid-19 management as specified in **Annexure I** shall be followed throughout the state. The activities already allowed and permitted from time to time as mentioned in **Annexure II** shall be continued and all earlier orders shall be aligned with this order and shall remain in force up to and inclusive of 31st July 2020. Further easing under MISSION BEGIN AGAIN will be notified in the due course.

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005 besides legal action under Sec. 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure III.**

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA

Ajoy Mehta

(AJOY MEHTA)
CHIEF SECRETARY
GOVERNMENT OF MAHARASHTRA

Copy to:

1. Principal Secretary to Hon'ble Governor of Maharashtra, Mumbai,
2. Hon'ble Chairman, Maharashtra Legislative Council,
3. Hon'ble Speaker, Maharashtra Legislative Assembly,
4. Principal Secretary to Hon'ble Chief Minister, Government of Maharashtra,
5. Secretary to Hon'ble Deputy Chief Minister, Government of Maharashtra,
6. Private Secretary to Leader of Oppostion, Legislative Council / Assembly,
7. Private Secretaries of All Hon'ble Minister/Minister of State, Mantralaya,
8. All Additional Chief Secretaries/Principal Secretaries/Secretaries of Government of Maharashtra,
9. Director General of Police, Maharashtra State, Mumbai,

10. Principal Secretary, Public Health Department, Mantralaya,
11. Secretary, Medical Education, Mantralaya,
12. All Divisional Commissioners in the State
13. All Commissioners of Police in the State
14. All Commissioners of Municipal Corporations in the State,
15. All District Collectors,
16. All Chief Executive Officers, Zilla Parishad,
17. All District Superintendents of Police in the State.

Annexure I

[MISSION BEGIN AGAIN: Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 40032, Order No: DMU/2020/CR. 92/DisM-1, Dated: 29th June 2020]

National Directives for COVID 19 Management

1) **Face coverings** – wearing of face cover is compulsory in public places, in workplaces and during transport.

2) **Social distancing** – individuals must maintain a minimum distance of 6 feet (*2 Gaz Ki doori*) in public places.
Shops will ensure physical distancing among customers and will not allow more than five persons at one time.

3) **Gatherings** – large public gatherings / congregations continue to remain prohibited.
Marriage related gatherings – Number of guests not to exceed 50.
Funeral / last rites related gatherings – number of persons not to exceed 50.

4) **Spitting in public places** will be punishable with fine, as may be prescribed by the concerned authority in accordance with its laws, rules or regulations.

5) **Consumption of liquor, Paan, tobacco, etc** in public places is prohibited.

Additional directives for workplaces.

6) **Work from home (WFH)** – as far as possible the practice of WFH should be followed. Staggering of work / business hours will be followed in offices, workplaces, shops, markets and industrial & commercial establishments.

7) **Screening and hygiene** – provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.

8) **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc. will be ensured, including between shifts.

9) **Social distancing** – all persons in charge of workplaces will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

Annexure II

[MISSION BEGIN AGAIN: Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai- 40032, Order No: DMU/2020/CR. 92/DisM-1, Dated: 29th June 2020]

A. In Municipal Corporations of MMR Region including MCGM, Municipal Corporations of Pune, Solapur, Aurangabad, Malegaon, Nashik, Dhule, Jalgaon, Akola, Amravati and Nagpur following activities are permitted with restrictions as specified in the Orders issued from time to time:-

i. All essential shops which are allowed to remain open before this order, shall continue to do so.

ii. All non-essential shops will be allowed to continue as per relaxations and guidelines issued vide Order 31st May 2020 and 4th June 2020, and are in operation as per the policy of respective Municipal Corporation. All non-essential markets, market areas & shops except malls and market complexes will remain open from 9 am to 5 pm. Liquor shops will continue to operate if permitted, home delivery or otherwise.

iii. E-commerce activity for essential as well as non-essential items & material.

iv. All the industrial units which are presently open will continue to operate.

v. All construction sites (Public/Private) which are allowed to remain open and operational. All such pre-monsoon works (Public and Private) which are allowed.

vi. Home delivery restaurants / Kitchen.

vii. On-line/ distance learning and related activities.

viii. All Government offices (excluding Emergency, health & Medical, treasuries, disaster management, police, NIC, food & Civil Supply, FCI, N.Y.K., Municipal Services to function with 15% strength or 15 persons whichever is higher.

ix. All private offices can operate up to 10% strength or 10 people, whichever is more

x. Movement of people is allowed in following manner :

Taxi/Cab/aggregator	Only essential 1 + 2
Rickshaw	Only essential 1 + 2
Four Wheeler	Only essential 1 + 2
Two wheeler	Only essential One Rider

xi. Activities related to self-employed people like plumbers, electricians, pest-control and technicians.

xii. Garages to mend vehicles and workshops with prior appointments

xiii. The inter-district movement of persons within the area of Municipal Corporations under the MMR (Mumbai Metropolitan Region) for the essential activities and the office purposes. For shopping purposes people are expected to use only nearby / neighbourhood markets only. Long distance travel for non-essential items will not be permitted.

xiv. Marriage related gatherings on open spaces, lawns, Non Air conditioned halls as mentioned in Order dated 23 June 2020.

xv. Outdoor Physical Activities with restrictions

xvi. Printing and Distribution of newspapers (including home delivery)

xvii. The offices/staff of Educational institutions (Universities/ Colleges/ Schools) for the purpose of non-teaching purposes including development of e-content, evaluation of answer sheets and declaration of results

xviii. Barber Shops, Spas, Saloons, Beauty Parlors with conditions as permitted by State Government

xix. Any other allowed and permitted activity by any specific/general order.

B. In the rest of State except the areas covered in above A, all activities, which are not explicitly prohibited or banned, shall continue to be permitted, with restrictions as specified in the Orders issued from time to time:-

i. All public and private transport will follow passenger management:

   i. Two Wheeler: 1 rider
   ii. Three Wheeler: 1 + 2
   iii. Four Wheeler: 1 + 2

ii. Intra district bus service will be allowed with maximum 50% capacity per bus with physical distancing and sanitation measures.

iii. Inter-district movement will continue to be regulated.

iv. All non-essential markets/shops will remain open from 9 a.m. to 5 p.m.

v. Marriage related gatherings on open spaces, lawns, Non Air conditioned halls as mentioned in Order dated 23 June 2020.

vi. Outdoor Physical Activities with restrictions

vii. Printing and Distribution of newspapers (including home delivery)

viii. The offices/staff of Educational institutions (Universities/ Colleges/ Schools) for the purpose of non-teaching purposes including development of e-content, evaluation of answer sheets and declaration of results

ix. Barber Shops, Spas, Saloons, Beauty Parlors with conditions as permitted by State Government

x. Any other allowed and permitted activity by any specific/general order.

Annexure III

[Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Mantralaya, Mumbai-40032, Order No: DMU/2020/CR. 92/DisM-1, Dated: 31st May 2020]

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc.—whoever, without reasonable cause —

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Ajj Mehta

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section— (a) "company" means anybody corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by— (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention

to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorized as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

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